

original

IN THE
COURT OF APPEALS
FIFTH DISTRICT of TEXAS at DALLAS
APPEAL NO. 05-18-00567-CV

FILED IN
Court of Appeals

JUL 06 2018

Lisa Matz
Clerk, 5th District

DARLENE C. BALISTRERI-AMRHEIN, Appellant, Pro Se

Original Proceeding from Collin County Court at Law No. 6

Collin County, Texas

Trial Court Case Nos. 006-02654-2017 and 005-02654-2017

**APPELLANT'S SUPPLEMENT TO NOTICE OF APPEAL AND DOCKET
STATEMENTS AS NEEDED TO SUPPLEMENT ISSUES**

COMES NOW, Appellant, Darlene C. Balistreri-Amrhein, to file Appellant's Supplement Notice of Appeal And Docket Statements As Needed To Supplement Issues for the following "good cause" reasons, court record and requests to "Grant A Medical Stay" For Brief as follows:

Collin County Court Records & Inability To Pay Court Costs

- 1) Appellant / Plaintiff, Darlene C. Balistreri-Amrhein has submitted to the County Court at Law No. 6 Clerks Office a request for all court records, all videos & all court or otherwise court transcripts at no cost with Sworn Affidavit of Inability to Pay itemized & on Federal Assistance as documented timely upon Notice of Appeal and Docket Statement as in this Court of Appeals, but have gotten no response & no court records, etc. to date from this lower court & do not know if items had been eliminated or changed to prevent reversal in this Appeal;
- 2) Appellant was not present in any Court hearings due to being hospitalized, so court records & all transcripts need to be presented in order to prepare correct & complete briefing for this Appeal, with unknown date for briefing as medically incapacitated, under strict medical treatment plan & unable to comply due to spine surgery & medical release;

**Appellant's Disabilities & Serious Medical Condition Requires A Medical Stay
Under Americans With Disabilities Act / ADA For "Good Cause" Reasons**

- 3) Appellant is unable to prepare a brief with tabs, due to 4 hand operations & inability to do that exercise due to disabilities from 1994 & under U.S. Federal Court Order;
- 4) Appellant Amrhein maybe in one of 3 legal surgeries or in hospital or rehabilitation center at time of filing from neck surgery, spine fusion surgery or 4 torn tendons & meniscus knee repairs from Feb. 28, 2018 fall, legal medical evaluations, labs, tests for needed clearances on death risk
- 5) The neck surgery was being repeated from an auto accident, while Appellant waiting at stop light & rear ended by a person going 60 miles per hour, bending her SUV, he gets stuck under SUV & Appellant is knocked out unconscious, head, back, neck & shoulder injuries that has to be redone as failing neck & back requiring a spinal fusion very serious operations, which cannot be done together or even within weeks as Appellant is a high risk diabetic patient;
- 6) Appellant reported these serious painful medical conditions & medical treatments required back in January, 2018 upon discovery as pain reported to physicians, which was also affecting Appellant's bodily functions, which was ignored & denied by this Court, Judges & Defendants, causing further delays in these needed painful surgeries;
- 7) Serious medical circumstances can't be compromised. To deny "Medical Stay" is a cold – hearted agenda to take advantage & prejudice ill, disabled, "class protected Appellant & shows depth of discriminations, agenda, goals, bias & violations of Federal & Texas Laws for reasonable people, not corruption goals, to take advantages to wasted time, deny fairness & Justice by bias, prejudice, retaliation, obstruction, which was not fault of Appellant / Plaintiff;
- 8) Appellant as Plaintiff also filed 5 Medical Letters from 3 separate Surgeons as to this needed medical care as Medicare was paying for medical clearance tests that expires in various weeks to limit the risk to Appellant for these surgeries, that can be life-threatening as reported to the Judge & Courts as proof. This was declared "no proof by non-medical professionals," who confiscated all medical records against HIPPA Laws, invading all my personal information & causing identity theft & other illegal abuses as threats for intimidation illegally like threats against Social Security, when administration is notified informed me they would be put in jail as "protected;"

9) Appellant has been a disabled person under protections for being over age of 40, with several life-long permanent disabilities & with a Federal Court Order as disabled, which was signed on May 24, 1996, yet ignored by several judges & one Texas judge claiming Feds have no control by any Federal Orders or jurisdiction for any disabled over the age of 40 & Social Security;

10) This serious auto accident as described within and the personal injuries that Appellant / Plaintiff has received from these Defendants as listed above is more for briefing & Medicare Fraud for double & triple billing due to medical interference is personal injuries & frauds against United States Federal Agency HHS & violations of approved needed surgeries; **(Ex. G)**

11) These issues are just one reason for this timely Appeal as there are several other “good cause” reasons & violations of rules of procedure, violated statutes, laws & Appellant’s denied Constitutional Rights, denied Civil Rights & Liberties violated to Appeal this above lawsuit;

12) Appellant filed under Americans With Disabilities Act / ADA for these serious health events that could not be avoided with clear medical treatment plan from Surgeons, which was denied at the age of almost 72 years old, on Medicare & a “protected class” as denied by Courts, Judges, Defendants & ADA Compliance Departments causing additional personal injuries, unnecessary additional medical bills, delays, pain & suffering, retaliation toward Appellant for bias, revenge, & prejudice as unlawful & violations of Federal & Texas Laws & Civil Rights for these charges;

13) Appellant explains this to Court of Appeals for delays, while needing a “medical stay” as a “protected person” until full recovery six months from first surgery to prevent further damages while in neck brace, restricted use of head motions, bone stimulators, therapies, walker, back, brace, more therapies, doctor’s follow ups for progress reporting on recoveries for more than billing of \$100,000.00 or more in 3 surgeries to prevent causing damages & redo of any of these surgeries or damages; **(See 6 Surgeons letters & treatment plans as Exhibits A)**

14) All Appellant’s / Plaintiff’s Americans With Disabilities Act /ADA has been reported to the United States Department of Justice, Attorney General Jeff Sessions, United States Health & Human Services, Inspector General Michael E. Horowitz & Others, who deal with these serious violations of existing laws, like the United States House Judicial Commission & United States Senate Judicial Commission, etc., so all U.S citizens are rightfully protected / no prejudice;

- 15) Appellant's receiving court records & briefing will have to be delayed due to incapacity & lack of comprehension due to all narcotic "pain killers," while in recovery for 6 months to heal, in neck & back braces, inability to move head from side to side, up or down, can't work on computer, reading or research as medically restricted, can't drive, can't shower or wash hair as muscles are cut at spine & have to re-heal to lift arms or do anything due to incapacity that requires accommodations by rehab centers to [prevent complications & by federal & state laws;
- 16) Medical Stay does not require death to qualify & is a right to Accommodate any litigant that cannot reasonably function as in this case, which would highly prejudice this Appeal, Lawsuit & Appellant without Constitutional Rights, Civil Liberties, etc. as spine surgeries are very serious;

Writ of Mandamus Denied & Court of Appeals Is Separate Filed Legal Action

- 17) The writ of mandamus has been denied on May 30, 2018 because Appellant has availability to Appeal the Collin County Court at Law No. 6; (**Exhibit B**);

Lack of Proof To Declare Appellant A "Vexatious Litigant" According To Proof & Civil Practice & Remedies Code Chapter 11, et seq.

- 18) In the County Court at Law No. 6 final Order there was no proof that there were any adverse Orders against Appellant / Plaintiff Darlene C. Balistreri-Amrhein, so an investigation was started with each lawsuit as documented & attached as **Exhibits C** for Winsley Circle, et al Appeal No. 17-40880, La Madeleine, Inc., et al Appeal No 17-41017 both combined in the Fifth Circuit Court of Appeals with United States Government without proper jurisdiction;
- 19) Prosperity Bank, et al Lawsuit in the U.S. Eastern District Court, Sherman Division that has been remanded back to the 199th District Court of Texas in Collin County for proper jurisdiction that could not be held in the federal courts as signed by Federal Judge Amos Mazzant against the report & recommendations of Magistrate Judge Christine Nowak as Defendants; **Exhibit D**;
- 20) Final Order in the Attorney Lennie Bollinger, et al Lawsuit without proper jurisdiction is attached under **Exhibit E as one "Good Cause" reasons for this Appeal**;
- 21) Appellant has been totally removed from residence home due to unsafe conditions from a hail storm & over \$100,000.00 in damages making property unmarketable, unsafe by Texas standards, so that will not be repaired completely until December, 2018 making recovery more difficult during time, mail held at Post Office without timely delivery, lack of transportation, no

furnishings & depending upon recovery may be going to a rehabilitation facility for medical care with no abilities to control or speed any medical circumstances or medical events up;

22) No lower court records, no computer, all records in storage, no ability to walk & surgeries are “good cause” reasons to grant medical stay, besides Appellant’s serious medical conditions;

23) Appellant’s incapacity, incompetence & inability to perform even simple tasks make it impossible to do legal research, formulate legal thoughts, apply legal theories, prepare a legal brief & respond legally, when having spine bone sawed out of spinal neck after pins & rods inserted into head, under sedation, trauma, fear & medical restrictions while in several braces, while affecting Appellant’s entire body & quality of life, while **“no prejudice to wait for care;”**

24) Consultation with Dr. Arakal on July 9, 2018 & August 27, 2018, torn ligaments surgery about October, 2018 fall to walk again, back fusion as soon as possible & safe for 3rd surgery;

25) Surgeons, Arakal, Ritman, Schwartz are too busy saving lives & operating then to write multiple letters that attorneys can’t seem to understand English & medical treatment plans;

IN CONCLUSION, RELIEF SOUGHT & PRAYERS

Appellant has dealt with these circumstances to best of ability, while ill, in pain, unable to walk, dealing with serious 3 surgeries having to be timed to prevent being paralyzed, suffer a stroke & or heart attack or death. Under best of circumstances that is reasonably difficult on anyone & fact rods have to be placed in my head during this first surgery is a scary fright. The conspiracies between 3 lawsuits in Federal Courts & County Court at Law Nos 5, 6 based on bias, prejudice, unfairness, injustices, the tainting of these 2 lawsuits to deny Appellant’s medical conditions & ADA Medical Stay, violating Civil Rights, Civil Liberties, HIPPA Laws, denied privacies, threats, harassments, intimidation to “fix lawsuit” with no proof of being a “vexatious litigant” is unconscionable, unfair, no due process & illegal making all actors named Defendants to be given “service of process” for these criminal acts against judicial machinery & to take advantage / bias against Appellant with federal & Texas lawsuits with no proof of any Adverse Orders as falsely claimed in Judge Benders final Order. **(Exhibit E)** The fact of identity theft, hacks of 1,657 invasions, security alerts, & being slandered as forger to others, while being harassed has caused stress to delay my surgeries with additional unnecessary pain & suffering that caused

medical clearances not to be completed or approved for surgeries timely, so now the surgery & medical clearances have caused Medicare to pay a third time for testing & clearances, which was unnecessary on all counts due to actions of unprofessional people, with no medical education who refuse to follow my doctors Medical Orders in retaliation. The fact Appellant has been removed from her home / residence due to hail storm damages, removed from the comforts & belongings during such a critical time of these serious 3 surgeries for recovery without any knowledges of outcome is very stressful effects upon my person, while still having to pay all the bills & taxes is keeping the indigent status worse as adding more than \$100,000 plus in medical bills with no end to medical expenses made worse with little insurance on top of all household repairs & some insurance, while long one year fix inside & out required. The fact that there has been no valid Orders in the Winsley, & La Madeleine, Inc. lawsuits with no proper jurisdiction & "serious conflicts of interest" reported to authorities is not any Adverse Orders to qualify under "vexatious litigant" Civil Practice & Remedies Code Chapter 11. Why no Orders were provided to Judge Bender ? The "fix was in" with Attorneys Fees to pay bribe & use conspiracy moneys in this lawsuit for favorable false Orders as Court conspirators, etc. The fact Attorney Phaneuf knew Appellant / Plaintiff was in hospital when she made her false plea to Judge Bender for a telephone conference, while having MRI was trickery & obstruction of justice to prevent any challenges to her false "vexatious litigant" with no proof. She made up lawsuits & split them apart to try to charge Adverse Orders to 5 incomplete lawsuits & still no proof to support Judge Bender's Final Order in conspiracy with them all. Refusal to service of process of all named & filed Defendants is obstruction of justice & fraud upon courts. They can't produce Adverse Orders that don't exist & Judges Bender & Wilson were a part of framing of Appellant by obstruction of justice & "Fraud Upon Courts" as judicial misconduct & denied Civil Rights & Civil Liberties as reported to authorities for oversight of judicial misconduct to eliminate these lawsuits & Appellant / Plaintiff saving them from their crimes & criminal acts, while causing Appellant / Plaintiff's personal injuries as the try for bias, prejudice & corrupt advantages to make money for hiding the truth & not doing their job as the "fix was in." This is not "due process," but organized crimes against judicial machinery & treason against U.S. Civil Practice

& Remedies Code Chapter 11, et seq. does not say any lawsuits, any made up lawsuits, any non-Defendants not served with process, invalid lawsuits or any incomplete lawsuits, any “conflict of interest” lawsuits & no jurisdiction, as optional will count as rules & laws are very specific.

(Exhibit F). This final Order was to “cause a fix, unnecessary delays, retaliation, for suing these Defendants for “Good Cause” reasons.” These illegal acts as violating known existing laws by & through their licensed attorneys & elected judges, who are all sworn under oath to be fair & just in execution of all laws for all litigants. Appellant will continue the fight with all named participants for this fix. The choice is do we want to be apart of the problem & named or apart of the solution to stop corruption, misconduct & unfairness for Justice. It appears that County Court at Law Nos. 6 & 5 could not send Appellant & Court of Appeals the Court Record & Court Transcripts of one hearing in over more than one month as maybe busy scrubbing Court Record to hide their frauds & misconduct to try to misrepresent to this Court the Facts & to try to prevent reversal & remand on their Obstruction of Justice, no due process, frauds, their exparte communications, cover up, conspiracy, no jurisdiction, bias, prejudice, retaliation for unjust attorneys fees / bribes or sanctions to fix Appellant / Plaintiff, this lawsuit by perjury, corruption in courts for corrupt, crooked Defendants, all Participants for criminal charges & moot responses

Appellant / Plaintiff filled Attorney Bollinger, et al lawsuit with “good cause” reasons for bad choices made & their Attorneys at Cobb, Martinez, Woodland made their “bad faith” choice of engaging in frauds, harassments, deception, cover up, conspiracy, obstruction of justice, perjury, “Fraud Upon Courts, etc. with continued attacks upon disabled Appellant / Plaintiff, rather than trying to defend their own clients for their unlawful, illegal acts, causing damages, losses, harms against Appellant / Plaintiff, who has now caused them to be named Defendants in 2 lawsuits, with criminal charges for Obstruction of Justice, Perjury, Frauds & Frauds Upon Courts, etc.

Defendants again deny “medical stay” with response that is “moot” as they show with their own words & actions to try to get themselves & clients out of criminal acts to save themselves.

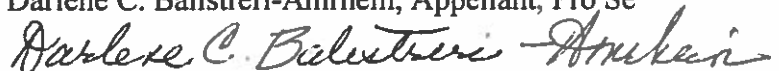
No immunity for illegal acts as not judicial duties & liability also falls on Texas & all parties.

Appellant prays for fairness, considerations, “due process,” empathy for what individually you would do if you were Appellant as in this case, as trying my best as incapacitated, on daily medications to act during painful medical period, as altered due to medical conditions & meds.

Appellant is asking for this “Medical Stay” for fairness, “due process” & JUSTICE that any reasonable person would allow under these same serious circumstances, as I pray in God’s name.

(Exhibit A to ~~E~~) Respectfully submitted, Darlene C. Balistreri-Amrhein, Appellant, Pro Se

F 



VERIFICATION / AFFIDAVIT

No. 05-18-00567-CV

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Appellant Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Appellant's Supplement To Notice of Appeal And Docket Statements As Needed To Supplement Issues.

This information as referenced and stated within is true and correct and of Darlene C. Balistreri-Amrhein's own personal knowledge to the best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, "due process" & Justice under State and Federal Laws & presented in applicable Courts attached as sited for consideration of this Court filing.

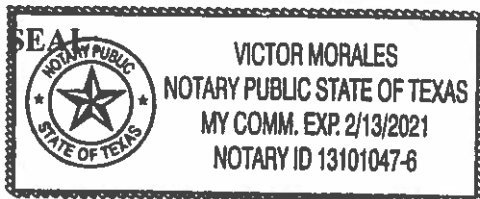
Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Appellant, Po Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 2 JULY, 2018 to
certify which witness my hand and official seal.

Victor Morales

Notary Public of Texas (Printed Name)



Victor Morales

Notary Public of Texas (Signature)

Commission Expires 2/13/2021



Texas Back Institute®

February 6, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities, she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

C. L. H. A. A.



February 23, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a 71yr old female who was evaluated on 1/26/18 secondary to cervical and lumbar related diagnoses: M47.12 cervical myelopathy, M99.31 osseous stenosis of neural canal of cervical region, M43.16 lumbar spondylolisthesis, and M99.33 osseous stenosis of neural canal of lumbar region. These diagnoses do require surgical intervention as they are currently affecting bodily function with complaints of urinary incontinence and retention, in addition to increasing difficulty with gait and coordination which can pose a threat for somebody with a diagnosis of cervical myelopathy. Pt has had to modify her daily activities; she is currently ambulating with a cane. First, I would address her cervical myelopathy with a posterior spinal fusion from C3-4 with laminectomy; this surgery is medically necessary in order to correct the level of severe cervical stenosis while providing vertebral stability. Then, I'd need to address her lumbar issues with an open 360 L4-S1. Her total post op disability time will be approximately 6 months post-operatively. Routine follow ups will be necessary in order for us to evaluate her return to work status closer to that 6 month post-op marker. Pt did require urgent work up as her symptoms have definitely deteriorated. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pathology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.



March 27, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

Ms. Darlene Amrhein is a patient of mine who is scheduled to undergo a Posterior Cervical Fusion from C3-4 with Laminectomy and Allograft on 4/26/18; no court work is to be done at that time. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pathology; pt is to remain off work in light of the fact that we are preparing for surgical intervention and continued work could exacerbate her pain and lead towards further deterioration. Please keep pt off of work. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,



Rajesh G. Arakal, M.D.

Exhibit A

2018-04-10 15:41 Texas Back Institute

9726085068 >>

972 547 0448 P 1/1

1/5110718



April 10, 2018

Re: Darlene Amrhein

To: Whom It May Concern,

THIS IS A REPEATED NOTIFICATION OF INABILITY TO WORK.

Ms. Darlene Amrhein is a patient of mine who is scheduled to undergo a Posterior Cervical Fusion from C3-4 with Laminectomy and Allograft on 4/26/18; no court work is to be done at that time. Currently, pt is to remain off work as she cannot complete her usual work duties secondary to the severity of her cervical and lumbar pathology; pt is to remain off work in light of the fact that we are preparing for *surgical intervention and continued work* could exacerbate her pain and lead towards further deterioration. Please keep pt off of work and review the multitude of prior letters which support this statement. Please contact my offices in the events that more information is necessary or in the events that clarification is needed. Our phone number is 972-608-5000; our fax number is 972-608-5160.

Respectfully,

Rajesh G. Arakal, M.D.

Exhibit 1



Texas Health
Physicians Group[®]

**TEXAS CENTER FOR JOINT
REPLACEMENT**

6020 West Parker Rd

Suite 470

Plano TX 75093-8338

Phone: 972-608-8868

Fax: 972-608-0366

Date: 5/9/2018

Roger H. Emerson, Jr., MD
Richard D. Reitman, MD
Kwame Ennin, MD
Karim Elsharkawy, MD

TO WHOM IT MAY CONCERN

RE: RETURN TO WORK STATUS

This letter is to certify that Darlene Carol Amrhein is a patient under my care. She will be undergoing surgery with me due to internal derangement of the right knee. My request to have her off of work until further notice. If you have any questions, please give our office a phone call.

Sincerely,

Dr. Reitman

Exhibit
A



**TEXAS CENTER FOR JOINT
REPLACEMENT**
6020 West Parker Rd
Suite 470
Plano TX 75093-8338
Phone: 972-608-8868
Fax: 972-608-0366

Darlene Carol Amrhein
7/18/1946
Height: 157.5 cm (5' 2")
Weight: 90.7 kg (200 lb)

(contact your insurance company for coverage verification purposes)

- | | |
|---------------------------------------------------------|--------------------------------|
| 1. Acute medial meniscus tear, right, initial encounter | |
| 2. Bilateral primary osteoarthritis of knee | RAD EX KNEE; CMPL 4/MORE VIEWS |
| 3. Genu varum of both lower extremities | |
| 4. Chronic pain of both knees | RAD EX KNEE; CMPL 4/MORE VIEWS |

Duration: 4-6 weeks
Frequency: 1-3 sessions per week

PT ORDERS:

- Evaluate and treat
- Active assistive range of motion
- Gentle isometrics without resistance for first weeks
- Isometric strengthening with Progressive resistance after 4 weeks
- Core flexibility and strengthening exercise
- Apply heat massage, and/ or ultrasound, and/or cold laser immediately prior to exercise
- Apply ice massage immediately following exercise session

Provider: Richard Reitman, MD

Darlene Carol Amrhein

DOB 7/18/1946

MRN:2000054107

101CEICR0019001-01088-01

Care Improvement Plus of Texas Insurance Company
PO Box 29300
Hot Springs, AR 71913



April 10, 2018

DARLENE AMRHEIN
112 WINSLEY CIR
MCKINNEY TX 75071

Service(s) Approved

Member Name: Darlene Amrhein
Member ID Number: 916635133
Authorization: A042719641
Provider: Medical City Plano

Services: LAM FACETECTOMY & FORAMOTOMY 1 SEGMENT CERVICAL
CPT: 63045
From 4/26/2018
To Date: 4/26/2018
Approved Units: 1

Services: ARTHRODESIS PST/PSTLAT CERVICAL BELW C2 SGM
CPT: 22600
From 4/26/2018
To Date: 4/26/2018
Approved Units: 1

Services: POSTERIOR NON-SEGMENTAL INSTRUMENTATION
CPT: 22840
From 4/26/2018
To Date: 4/26/2018
Approved Units: 1

Services: ALLOGRAFT FOR SPINE SURGERY ONLY MORSELIZED
CPT: 20930
From 4/26/2018
To Date: 4/26/2018
Approved Units: 1

Dear Darlene,

Thank you for being a member of the plan. We are pleased to confirm that we have approved the service(s) shown above.

NM_160616_174951

Exhibit A

MRAMR23450D



5/24/2018 3:15 PM BAYLOR SCOTT & WHITE LEGACY HEART CENTER 469-800-6300




 Blood Pressure
120/72


 BMI
38.55

 Weight
204 lb

 Height 61"

 Pulse
81

 Oxygen Saturation 95%

 MyBSWHealth

Our records indicate that you have declined MyBSWHealth signup. If you would like to sign up for MyBSWHealth, please call 855-691-0180 to obtain an activation code.

Excluded ~~Test~~
A

WHAT IS THE AMERICANS WITH DISABILITIES ACT (ADA)?

[1]

The Americans with Disabilities Act (ADA) became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. The ADA gives civil rights protections to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications. The ADA is divided into five titles (or sections) that relate to different areas of public life.

In 2008, the Americans with Disabilities Act Amendments Act (ADAAA) was signed into law and became effective on January 1, 2009. The ADAAA made a number of significant changes to the definition of "disability." The changes in the definition of disability in the ADAAA apply to all titles of the ADA, including Title I (employment practices of private employers with 15 or more employees, state and local governments, employment agencies, labor unions, agents of the employer and joint management labor committees); Title II (programs and activities of state and local government entities); and Title III (private entities that are considered places of public accommodation).

More About the ADA

- [Glossary of ADA Terms](#) [2]
- [ADA Acronyms and Abbreviations](#) [3]
- [Read ADA Publications/Fact Sheets](#) [4]
- [Frequently Asked Questions About the ADA](#) [5]

Title I (Employment)

Equal Employment Opportunity for Individuals with Disabilities

This title is designed to help people with disabilities access the same employment opportunities and benefits available to people without disabilities. Employers must provide reasonable accommodations to qualified applicants or employees. A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process or to perform essential job functions.

This portion of the law is regulated and enforced by the [U.S. Equal Employment Opportunity Commission](http://www.eeoc.gov/laws/types/disability.cfm) (<http://www.eeoc.gov/laws/types/disability.cfm>) [6]. Employers with 15 or more employees must comply with this law. The regulations for Title I define disability, establish guidelines for the reasonable accommodation

Civil Rights Act - 1

process, address medical examinations and inquiries, and define "direct threat" when there is significant risk of substantial harm to the health or safety of the individual employee with a disability or others.

More information and events related to ADA Title I (Employment) [7].

Title II (State and Local Government)

Nondiscrimination on the Basis of Disability in State and Local Government Services

Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities. It applies to all state and local governments, their departments and agencies, and any other instrumentalities or special purpose districts of state or local governments. It clarifies the requirements of section 504 of the Rehabilitation Act of 1973, as amended, for public transportation systems that receive federal financial assistance, and extends coverage to all public entities that provide public transportation, whether or not they receive federal financial assistance. It establishes detailed standards for the operation of public transit systems, including commuter and intercity rail (e.g., AMTRAK).

This title outlines the administrative processes to be followed, including requirements for self-evaluation and planning; requirements for making reasonable modifications to policies, practices, and procedures where necessary to avoid discrimination; architectural barriers to be identified; and the need for effective communication with people with hearing, vision and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

More information and events related to ADA Title II (State and Local Government) [8].

Title III (Public Accommodations)

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This title prohibits private places of public accommodation from discriminating against individuals with disabilities. Examples of public accommodations include privately-owned, leased or operated facilities like hotels, restaurants, retail merchants, doctor's offices, golf courses, private schools, day care centers, health clubs, sports stadiums, movie theaters, and so on. This title sets the minimum standards for accessibility for alterations and new construction of facilities. It also requires public accommodations to remove barriers in existing buildings where it is easy to do so without much difficulty or expense. This title directs businesses to make "reasonable modifications" to their usual ways of doing things when serving people with disabilities. It also requires that they take steps necessary to communicate effectively with customers with vision, hearing, and speech disabilities. This title is regulated and enforced by the U.S. Department of Justice.

More information and events related to ADA Title III (Public Accommodations) [9].

Title IV (Telecommunications)

This title requires telephone and Internet companies to provide a nationwide system of interstate and intrastate telecommunications relay services that allows individuals with hearing and speech disabilities to communicate over the telephone. This title also requires closed captioning of federally funded public service announcements. This title is regulated by the Federal Communication Commission.

More information and events related to ADA Title IV (Telecommunications) [10].

Title V (Miscellaneous Provisions)

Exhibit A

Disability Rights

People with disabilities continue to face many barriers to information, technology, housing, education, employment, and transportation. The attorneys at Brown, Goldstein & Levy take pride in our high-profile, high-impact disability rights cases and our assistance as representatives for individuals with disabilities and their families.

Brown, Goldstein & Levy became involved in the field of disability rights law twenty-five years ago at the behest of the National Federation of the Blind. Over a decade ago, the NFB asked us to assist in devising and executing a strategy of education, negotiation, and litigation to make mainstream technology accessible to the blind. Pursuant to that strategy, we have sought to increase the accessibility of the Internet with suits against America Online and Target; to make consumer kiosks, such as ATMs and airline ticket machines, accessible through suits against manufacturers, owners, and operators; and to make voting accessible through suits against states and counties. We have reached agreements with Apple to make iTunes U accessible and with Target, eBay, Ticketmaster, and others to make their websites accessible. We secured \$6 million for class members in the Target litigation.

In 2009, we helped form the Reading Rights Coalition, bringing together 30 organizations representing persons with print disabilities. The goal of the RRC is to make mainstream e-book devices, applications, and content accessible. To that end, the RRC reached a joint position statement with the Authors Guild and the Association of American Publishers in March 2010 that whenever a book is available in an electronic format, it should be accessible to persons with print disabilities. We also represented the NFB in a suit against Arizona State University over its Kindle e-book pilot program and filed complaints with the Department of Justice against five other schools with similar programs.

We represented the National Federation of the Blind and blind individuals in litigation against the Law School Admissions Council, and settled on terms that required the LSAC website, including all law school applications, to be fully accessible to blind users. We also successfully challenged the policy of the National Council of Bar Examiners and state bars to refuse to allow blind prospective attorneys to use screen readers on the bar examination.

The firm has won significant victories for persons with mobility and other impairments under both the ADA and the Fair Housing Act, striking down discriminatory zoning ordinances and requiring accessible construction of housing. We have also won victories for persons with hearing impairments, including a recent victory requiring FedExField, the Washington Redskins' stadium, to caption content.

For over 20 years, we have been a national leader fighting to protect the rights of blind entrepreneurs under the Randolph-Sheppard Act. In 1987 we represented a group of Maryland vendors, ultimately obtaining an agreement that lowered the amount of set-aside the State collected from vendors by more than two-thirds. Since that first case, we have represented blind managers, groups of managers, state licensing agencies, the National Association of Blind Merchants, and the National Federation of the Blind throughout the United States in arbitrations, trial courts, and appellate courts. We have won several precedent-setting Randolph-Sheppard cases, including the first decisions to apply the Act to the Department of Veterans Affairs and the Veterans' Canteen Service and to military mess halls. These cases also established that federal agencies cannot charge commissions on vending machine receipts and that the Veterans' Canteen Service cannot install vending machines in competition with a machine-only vending facility.

Andy Levy served as Chair of the Maryland Commission on Disabilities from 2010-2015. The Commission advises the Maryland Department of Disabilities on changes to improve, reorganize, or streamline services for people with disabilities.

Because lawyers with disabilities are significantly underrepresented in the legal profession, Brown, Goldstein & Levy has established the Brown, Goldstein & Levy Disability Rights Fellowship to identify talented lawyers with disabilities who are expected to be future leaders in the legal profession. The year-long fellowship recognizes recent law school graduates or young lawyers with a disability, who have strong academic credentials, superior writing skills, and a demonstrated commitment to disability rights.

In December 2009, Brown, Goldstein & Levy signed a Pledge for Change for Disability Diversity in the Legal Profession sponsored by the American Bar Association's Commission on Mental and Physical Disability Law. This confirms our commitment to legal representation that reflects the diversity of our employees, customers, and the communities where we do business.

Our Services

- Serve as counsel or in an advisory capacity on disability civil rights issues for disability advocacy organizations throughout the state of Maryland and nationwide.
- Represent individuals with disabilities and their families who require services or supports from state or federal government.
- Represent individuals with disabilities seeking accommodations from employers or service providers.
- Advocate for special education and support services for children and their families and for developmental and mental health services for adults.
- Work with state and federal enforcement agencies to effectively implement the civil rights laws for people with disabilities.

Representative Cases

- Successfully negotiated a settlement agreement requiring the Centers for Medicare & Medicaid Services to provide all Medicare-related communications to blind individuals in accessible formats and to ensure that the Medicare website, including all beneficiary forms, is accessible.
- On behalf of the National Federation of the Blind and three blind Ohio voters, secured an injunction requiring the Ohio Secretary of State to make his website accessible; successfully appealed trial court's dismissal of plaintiffs' claim for an accessible method of absentee voting to the Sixth Circuit, leading to Ohio adopting accessible absentee voting in time for November 2018 election.
- Successfully negotiated a settlement agreement requiring the manufacturer of tablets used in Applebees' restaurants to make their tablets accessible to blind customers and for the Applebees' franchisor to license only accessible tablets.
- First-of-its-kind agreement with Pursuant Health, Inc. to make its self-service health care kiosks accessible to blind consumers.
- Groundbreaking technology access cases against, among others, Target and America Online, establishing that websites can be places of "public accommodation" that must be accessible to the blind.
- Class action on behalf of more than 2,000 Social Security Administration federal employees with targeted disabilities claiming they were not promoted despite their status on best-qualified lists.
- First judgment in the country under the design and construction accessibility requirements of the Fair Housing Act.
- A lawsuit against the country's largest private developer of college dormitories for building inaccessible dormitories.
- Case that led directly to elimination of the requirement that group homes submit to public hearings and neighbor notification before opening.
- Suit against the Washington Redskins that won an order requiring FedEx Field to provide its deaf and hard-of-hearing clientele with equal access to aural content broadcast in the stadium.
- Won a ruling requiring a public school district to provide braille instruction to a blind student.
- Suit that compelled the Circuit Court for Baltimore City to make its services and facilities accessible to people with disabilities.
- Holding that abstention was not appropriate in suit brought to invalidate restrictive covenant that discriminated against group homes for people with disabilities.
- Complaints with the United States Department of Justice, Civil Rights Division, on behalf of the National Federation of the Blind requesting investigations of nine law schools for violating the civil rights of blind and other print-disabled law school applicants by requiring applicants to apply online through the inaccessible Law School Admissions Council website.
- Class action settlement that resulted in significant improvements to the Maryland Transit Administration's mobility system for people with severe disabilities.
- An administrative complaint with the United States Department of Education on behalf of the National Federation of the Blind and a blind person, asserting that one of the Department of Education's websites, U.S.A. Leams, violates Section 508 of the Rehabilitation Act because it is inaccessible to blind people who use text-to-speech screen access technology or braille displays to access information on the Internet.

Order entered June 11, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00633-CV
No. 05-18-00634-CV

IN RE DARLENE C. BALISTRERI-AMRHEIN, Relator

Original Proceeding from the County Court at Law No. 6
Collin County, Texas
Trial Court Cause Nos. 006-02654-2017 and 005-02654-2017

ORDER

Before Justices Francis, Evans, and Schenck

Based on the Court's opinion of this date, we **DENY** relator's May 30, 2018 petition for writ of mandamus.

/s/ MOLLY FRANCIS
JUSTICE

Exhibit B

Denied and Opinion Filed June 11, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00633-CV
No. 05-18-00634-CV

IN RE DARLENE C. BALISTRERI-AMRHEIN, Relator

Original Proceeding from the County Court at Law No. 6
Collin County, Texas
Trial Court Cause Nos. 006-02654-2017 and 005-02654-2017

MEMORANDUM OPINION

Before Justices Francis, Evans, and Schenck
Opinion by Justice Francis

Before the Court is relator's May 30, 2018 petition for writ of mandamus in which she complains of a May 14, 2018 order declaring her a vexatious litigant. To be entitled to mandamus relief, a relator must show both that the trial court has clearly abused its discretion and that relator has no adequate appellate remedy. *In re Prudential Ins. Co.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). It is relator's burden to provide the court with a record sufficient to establish her right to relief. *Walker v. Packer*, 827 S.W.2d 833, 837 (Tex. 1992); TEX. R. APP. P. 52.3, 52.7.

Based on the record before us, we conclude relator has not shown she is entitled to the relief requested. Relator has not provided the Court with a certified or sworn copy of the order complained of and she has an adequate remedy by appeal. *See In re Jackson*, No. 07-15-00429-CV, 2015 WL 8781272, at *1 (Tex. App.—Amarillo Dec. 11, 2015, orig. proceeding) (mem. op.) (mandamus denied because relator had adequate remedy by appeal to seek review of order finding

Excluded B

relator a vexatious litigant and dismissing his claims). Accordingly, we deny relator's petition for writ of mandamus. *See* TEX. R. APP. P. 52.8(a) (the court must deny the petition if the court determines relator is not entitled to the relief sought).

/Molly Francis/
MOLLY FRANCIS
JUSTICE

180633F.P05

IN THE
UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT COURT



Appeal No. 17-41017 and Appeal No. 17-40880

Darlene Balistreri-Amrhein, et al

v.

United States of America, et al

APPELLANT'S REQUEST FOR UPDATED STATUS OF THIS APPEAL

COMES NOW, Appellant, Darlene C. Balistreri-Amrhein to file Appellant's Request For Update Status Of This Appeal for the following as certified:

- 1) Appellant has not received any Court Orders for this above numbered & titled Appeal in 6 Months & no questions presented if any confusion or status updates;
- 2) Last correspondence was that this Court of Appeals, Fifth Circuit refused to Recuse This Court & All named Justices in this Appeal, automatically disqualified as matter of law as legislated & presented to this Court, several times in specific details in 2017, etc.
- 3) This Fifth Circuit Court of Appeals refused to transfer this Appeal to any other U.S. Circuit Court as they are named Defendants in the lower court that was being Appealed;
- 4) So in essence, Fifth Circuit Court as named Defendants in this lawsuit are judging their own lawsuit, which is a serious "Conflict of Interest" known & objected to as filed;
- 5) Fifth Circuit Court has another serious "Conflict of Interest" as ex-employer for about 4 years of Judge Amos Mazzant, who is offending judge in the lower court for not doing his job & not serving all Defendants as required for this to be a valid lawsuit by law, so if this is not valid lawsuit, then an invalid Appeal, making everything done in United States Courts to date "void judgments," Obstruction of Justice & Fraud Upon Courts crimes.
- 6) Appellant tried to look for rules & laws that allow any judge to refused to service of process to all Defendants, but there is no defense or explanations to justify, so that may be your hold up with you Court's Final Order, or bias, prejudice, & or "conflicts of interest" or retaliation for complaints of judicial misconduct; (Please update status!)

- 7) This Fifth Circuit Court was aware of Appellant's Medical Condition & incapacities for 3 surgeries as disabled person needed medical stay, which they denied against federal Americans With Disabilities Act with a United States Federal Court Order on disabilities signed by a Federal Judge as refused by this Appellate Court; (Appellant can't walk, etc.)
- 8) Appellant spent 4 weeks on preparation the Brief, along with Excerpts, plus \$1,000.00 have not received my own copies back to date as filed & required for my own records;
- 9) It should not take Appellate Court 6 months or more to decide this Appeal & should not be confusing with all proof of evidence as presented that you wanted to be eliminated.

In Conclusion & Prayer

Appellant prays that this Appeal will be decided soon & if any questions, please let me know to clarify any confusion, since all briefs & excerpts were filed in Dec. 2017;

If this Court Order was sent & misdelivered, then please forward the same with the signatures of all Justices that presided in this Appeal to be addressed with authorities & higher Court.

If you need any additional evidence for proof & clarification. Please let Appellant know with aid of the Clerks Office & information will be forward on for Appellate conclusion.

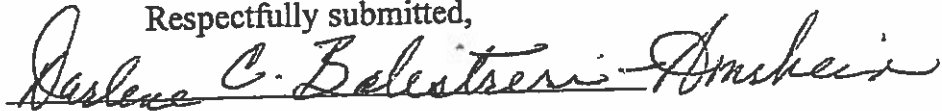
If your still working on this Appeal, then please give me an estimated date of possible conclusion for communication as required by rules & laws, so I can prepare for relief.

It should not be hard to decide Judge Amos Mazzant's errors of "not doing his job" in refusing "service of process" of all Defendants to establish his jurisdiction, making this a valid lawsuit, acting without bias, prejudice & favors, whether he was tampering with court records, threats & extortion of money for his own unjust enrichment or this is all "void judgments that are not enforceable by law & can be refiled by Rule of Law.

Appellant prays for fairness, "due process," by un bias triers of fact, based on judicial enforcement of all applicable legislative & Congressional Rules & Laws for the outcome of JUSTICE ! Appellant Darlene C. Balistreri-Amrhein would appreciate an Appeal Status Update !

Certified Mail # 7016 1970 0001 1779 9979

Respectfully submitted,



Darlene C. Balistreri-Amrhein, Appellant

VERIFICATION / AFFIDAVIT

Appeal No. 17-41017-17-40880

(Signature)

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned Appellant, Darlene C. Balistreri-Amrhein, who swore in her capacity & individually on her sworn oath, deposed and said she prepared and signed Appellant's Request For Update Status of This Appeal.

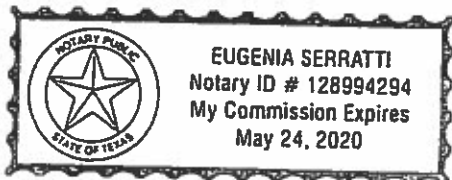
This information as referenced and stated within is true and correct and of Darlene C. Balistreri-Amrhein's own personal knowledge to best of her ability & documented. This state and or federal filing is for purpose of "due process," fairness, Justice under State and Federal Laws & presented in applicable Court attached as sited for this Court filing.

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Appellant, Pro Se

SUBSCRIBED AND SWORN TO ME, BEFORE ME: ON 11th of June of, 2018 to
Certify which witness my hand and official seal.

SEAL:



EUGENIA SERRATTI

Notary Public of Texas (Printed Name)

Eugenia Serratti

Notary Public of Texas (Signature)

Commission Expires May 24, 2020

3.

Exhibit C

CERTIFICATE OF SERVICE

A true and correct copy of Appellant's Request For Updated Status Of This Appeal has been delivered through United States Post Office on or about June 11, 2018 to the following :

United States Court of Appeals

Certified # 7016 1970 0001 1779 9979

Attn: Court Clerk's Office

Fifth Circuit Court

600 S. Maestri Place

New Orleans, LA. 70130-3408

Note: No service to other Defendants as they have not been served in this lawsuit contrary to laws & rules, so no notice can be given & no Appellees counsel.

Respectfully submitted,



Darlene Balistreri-Amrhein, Appellant, Pro Se,

6/11/18

CERTIFICATE OF CONFERENCE

No Conference since no Defendants received "service of process," so no Appellees & no counsels.

Respectfully submitted,



Darlene Balistreri-Amrhein, Appellant, Pro Se

E. M. Whit C

CERTIFICATE OF COMPLIANCE

Appellant's Request For Updated Status Of This Appeal is in compliance with Federal Rules of Civil Procedure & Federal Rules of Appellate Procedure as follows:

2 Pages

Word Count 674

Lines 53

Paragraphs 37

Respectfully submitted

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Appellant, Pro Se

6/11/18

5.

Exhibit C

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

Ms. Darlene C. Balistreri-Amrhein
112 Winsley Circle
McKinney, TX 75071

We received your request for a status on your appeal. Your motion to proceed in forma pauperis (IFP) and appellant's brief is pending before the court. We are unable to provide an estimate of when the court will make its ruling.

Christina Gardner

By: Christina A. Gardner, Deputy Clerk
504-310-7684

Exhibit C-1

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

June 14, 2018

Ms. Darlene C. Amrhein
112 Winsley Circle
McKinney, TX 75071-0000

No. 17-41017 Darlene Amrhein v. USA, et al
USDC No. 4:16-CV-223

Dear Ms. Amrhein,

We are in receipt of your letter asking for the status of the above referenced appeal. Please be advised that the appeal is pending before this Court. As soon as a ruling is rendered you will be notified.

Sincerely,

LYLE W. CAYCE, Clerk

Dawn Shulin

By:

Dawn M. Shulin, Deputy Clerk
504-310-7658

Exhibit B-2

Subject: Activity in Case 4:18-cv-00018-ALM-CAN Amrhein v. Prosperity Bank et al
Memorandum & Opinion

From: txedCM@txed.uscourts.gov

To: txedcmcc@txed.uscourts.gov

Date: Friday, May 25, 2018, 3:49:11 PM CDT

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS There is no charge for viewing opinions.

U.S. District Court [LIVE]

Eastern District of TEXAS

Notice of Electronic Filing

The following transaction was entered on 5/25/2018 at 3:48 PM CDT and filed on 5/25/2018

Case Name: Amrhein v. Prosperity Bank et al

Case Number: 4:18-cv-00018-ALM-CAN

Filer:

Document Number: 69

Docket Text:

AMENDED MEMORANDUM REJECTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE for [28] Order, Report and Recommendations. ORDERED that Plaintiff Darlene C. Amrheins Motion to Remand (Dkt. #11) is GRANTED and the case is REMANDED to the 199th Judicial District Court of Collin County, Texas. ORDERED that the Court *sua sponte* STRIKES Document Number 59 to the extent that this document is considered an amended complaint. Signed by District Judge Amos L. Mazzant, III on 5/25/2018. (daj,)

4:18-cv-00018-ALM-CAN Notice has been electronically mailed to:

Mary Michelle Mahony mmahony@m2dlaw.com, jrutherford@m2dlaw.com

Robert John Grubb, II jgrubb@m2dlaw.com

Darlene C. Amrhein winsley112@yahoo.com

4:18-cv-00018-ALM-CAN Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1041545818 [Date=5/25/2018] [FileNumber=11388610-0] [7763c30145e11118271931a64bd305f98774476dcaea9ab42b4af245be1343989e e12160a1aff23606a13713d1d318af6cbcc6098e97e3d4f47ca26423d726b2]]

Exhibit D

CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Hon. Jay Bender]

COLLIN COUNTY, TEXAS

ORDER GRANTING DISMISSAL WITH PREJUDICE AND PROHIBITING NEW
LITIGATION BY PLAINTIFF WITHOUT JUDICIAL APPROVAL

Pursuant to Texas Civil Practice & Remedies Code § 11.056 and this Court's April 5, 2018 Order Granting Defendants' Motion to Declare Plaintiff a Vexatious Litigant and to Require Security, and Plaintiff having failed to post security as required by such prior order, the Court hereby DISMISSES THIS LAWSUIT AND ALL CLAIMS AND CAUSES OF ACTION OF PLAINTIFF DARLENE C. AMRHEIN AGAINST ALL DEFENDANTS WITH PREJUDICE.

This Court's April 5, 2018 Order declaring that Plaintiff Darlene C. Amrhein is a Vexatious Litigant under Texas Civil Practice and Remedies Code §11.054 shall remain in effect and is incorporated into this Order.

This judgement is intended to dispose of all issues and parties and is a final judgment. All court costs are taxed against Plaintiff Darlene C. Amrhein.

Signed this ____ day of _____, 2018.

Signed: 5/14/2018 02:26 PM



JUDGE PRESIDING



CAUSE NO. 006-02654-2017

DARLENE C. AMRHEIN, et al,

Plaintiffs,

v.

ATTORNEY LENNIE F. BOLLINGER, AND
WORMINTON & BOLLINGER LAW FIRM,

Defendants.

COUNTY COURT AT LAW

NO. 6

[Hon. Jay Bender]

COLLIN COUNTY, TEXAS

ORDER DECLARING DARLENE C. AMRHEIN A VEXATIOUS LITIGANT,
REQUIRING SECURITY, AND ISSUING A PREFILING ORDER AGAINST DARLENE
C. AMRHEIN

ON THIS day a hearing was conducted to determine whether Darlene C. Amrhein is a Vexatious Litigant, and whether she should be required to furnish security. Additionally, the court considered whether Darlene C. Amrhein should be made subject to a Prefiling Order. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered the arguments of counsel and Darlene C. Amrhein, is of the opinion and determines that Darlene C. Amrhein is a Vexatious Litigant in accordance with Texas Civil Practice and Remedies Code §11.054, that she should be required to furnish security in accordance with Texas Civil Practice and Remedies Code §11.055, and that a Prefiling Order should be issued against her in accordance with Texas Civil Practice and Remedies Code §11.101. ^{§11.102} (an)

It is therefore ORDERED that Defendants' Motion for an Order Determining Plaintiff Darlene Amrhein to be a Vexatious Litigant and Requiring Security is GRANTED.

Exhibit E-1

It is FURTHER ORDERED that Darlene C. Amrhein¹ is declared a vexatious litigant pursuant to Texas Civil Practice and Remedies Code §11.054(1) and (2).

IT IS FURTHER ORDERED that Darlene C. Amrhein must provide security by obtaining a bond in the amount of \$160,000.00 no later than May 5, 2018 at 5:00 p.m. for the benefit of Defendants to assure payment of their reasonable expenses, including costs and attorneys' fees, incurred in connection with this suit.

IT IS FURTHER ORDERED that this Court will dismiss this litigation with prejudice if Darlene C. Amrhein does not provide the security within the designated time period.

IT IS FURTHER ORDERED that a **PRE-FILING ORDER** be and hereby is issued against Darlene C. Amrhein and that Darlene C. Amrhein is prohibited from filing, *pro se*, any new litigation in a court to which the order applies without first obtaining written permission from the local administrative judge strictly in accordance with Texas Civil Practice and Remedies Code §11.102. Darlene C. Amrhein is further advised that, pursuant to Texas Civil Practice and Remedies Code §11.101(b), a person who disobeys a Prefiling Order is subject to Contempt of Court.

IT IS FURTHER ORDERED that the ^{County} ~~District~~ Clerk of Collin County, Texas, as required by Texas Civil Practice and Remedies Code §11.104(a), shall provide the Office of Court Administration of the Texas Judicial System a copy of this ORDER not later than the 30 days after the date this ORDER is signed.

Signed this 5 day of Apr., 2018.


JUDGE PRESIDING

¹ AKA Darlene Balistreri-Amrhein. For all purposes, whenever the Order refers to Darlene C. Amrhein, that also includes any other alias of Darlene C. Amrhein, including but not limited to Darlene Balistreri-Amrhein.

Subject: #006-02654-2017; Darlene C. Amrhein, et al VS. Attorney Lennie F. Bollinger and
Worminton & Bollinger Law Firm

From: dturner@co.collin.tx.us

To: cphaneuf@cobbmartinez.com; winsley112@yahoo.com

Date: Monday, May 14, 2018, 4:21:34 PM CDT

Please see attached documents pertaining to your case with the County Court at Law.

Please DO NOT respond to this email. Filings will not be accepted via email.

Please call County Court at Law at 972-548-6420 with any questions.

Danyelle Turner

Civil Deputy Clerk, Court 6

Collin County Court at Law

2100 Bloomdale Road, Suite 12165

McKinney, TX 75071

Disclaimer: This e-mail, including any attachments, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of any part of this e-mail is strictly prohibited; please contact the sender to let them know that you have received this e-mail in error and permanently delete the original and any copies of it.



Copy of Proposed Order Granting Dismissal.pdf

107kB

Exhibit E

CIVIL PRACTICE AND REMEDIES CODE

TITLE 2. TRIAL, JUDGMENT, AND APPEAL

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 11. VEXATIOUS LITIGANTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11.001. DEFINITIONS. In this chapter:

(1) "Defendant" means a person or governmental entity against whom a plaintiff commences or maintains or seeks to commence or maintain a litigation.

(2) "Litigation" means a civil action commenced, maintained, or pending in any state or federal court.

(3) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1224, Sec. 10, eff. September 1, 2013.

(4) "Moving defendant" means a defendant who moves for an order under Section 11.051 determining that a plaintiff is a vexatious litigant and requesting security.

(5) "Plaintiff" means an individual who commences or maintains a litigation pro se.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 9.01, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 10, eff. September 1, 2013.

Sec. 11.002. APPLICABILITY. (a) This chapter does not apply to an attorney licensed to practice law in this state unless the attorney proceeds pro se.

(b) This chapter does not apply to a municipal court.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 2, eff. September 1, 2013.



SUBCHAPTER B. VEXATIOUS LITIGANTS

Sec. 11.051. MOTION FOR ORDER DETERMINING PLAINTIFF A VEXATIOUS LITIGANT AND REQUESTING SECURITY. In a litigation in this state, the defendant may, on or before the 90th day after the date the defendant files the original answer or makes a special appearance, move the court for an order:

- (1) determining that the plaintiff is a vexatious litigant; and
- (2) requiring the plaintiff to furnish security.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Sec. 11.052. STAY OF PROCEEDINGS ON FILING OF MOTION. (a) On the filing of a motion under Section 11.051, the litigation is stayed and the moving defendant is not required to plead:

(1) if the motion is denied, before the 10th day after the date it is denied; or

(2) if the motion is granted, before the 10th day after the date the moving defendant receives written notice that the plaintiff has furnished the required security.

(b) On the filing of a motion under Section 11.051 on or after the date the trial starts, the litigation is stayed for a period the court determines.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Sec. 11.053. HEARING. (a) On receipt of a motion under Section 11.051, the court shall, after notice to all parties, conduct a hearing to determine whether to grant the motion.

(b) The court may consider any evidence material to the ground of the motion, including:

- (1) written or oral evidence; and
- (2) evidence presented by witnesses or by affidavit.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Sec. 11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT. A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:



(1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in a small claims court that have been:

(A) finally determined adversely to the plaintiff;

(B) permitted to remain pending at least two years without having been brought to trial or hearing; or

(C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;

(2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se, either:

(A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or

(B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; or

(3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 3, eff. September 1, 2013.

Sec. 11.055. SECURITY. (a) A court shall order the plaintiff to furnish security for the benefit of the moving defendant if the court, after hearing the evidence on the motion, determines that the plaintiff is a vexatious litigant.

(b) The court in its discretion shall determine the date by which the security must be furnished.

(c) The court shall provide that the security is an undertaking by the plaintiff to assure payment to the moving defendant of the moving defendant's reasonable expenses incurred in or in connection with a litigation commenced, caused to be commenced, maintained, or caused to be maintained by the plaintiff, including costs and attorney's fees.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.



Sec. 11.056. DISMISSAL FOR FAILURE TO FURNISH SECURITY. The court shall dismiss a litigation as to a moving defendant if a plaintiff ordered to furnish security does not furnish the security within the time set by the order.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Sec. 11.057. DISMISSAL ON THE MERITS. If the litigation is dismissed on its merits, the moving defendant has recourse to the security furnished by the plaintiff in an amount determined by the court.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

SUBCHAPTER C. PROHIBITING FILING OF NEW LITIGATION

Sec. 11.101. PREFILING ORDER; CONTEMPT. (a) A court may, on its own motion or the motion of any party, enter an order prohibiting a person from filing, pro se, a new litigation in a court to which the order applies under this section without permission of the appropriate local administrative judge described by Section 11.102(a) to file the litigation if the court finds, after notice and hearing as provided by Subchapter B, that the person is a vexatious litigant.

(b) A person who disobeys an order under Subsection (a) is subject to contempt of court.

(c) A litigant may appeal from a prefiling order entered under Subsection (a) designating the person a vexatious litigant.

(d) A prefiling order entered under Subsection (a) by a justice or constitutional county court applies only to the court that entered the order.

(e) A prefiling order entered under Subsection (a) by a district or statutory county court applies to each court in this state.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 9.02, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 4, eff. September 1, 2013.

Sec. 11.102. PERMISSION BY LOCAL ADMINISTRATIVE JUDGE. (a) A vexatious litigant subject to a prefiling order under Section 11.101 is

prohibited from filing, pro se, new litigation in a court to which the order applies without seeking the permission of:

(1) the local administrative judge of the type of court in which the vexatious litigant intends to file, except as provided by Subdivision (2); or

(2) the local administrative district judge of the county in which the vexatious litigant intends to file if the litigant intends to file in a justice or constitutional county court.

(b) A vexatious litigant subject to a prefiling order under Section 11.101 who files a request seeking permission to file a litigation shall provide a copy of the request to all defendants named in the proposed litigation.

(c) The appropriate local administrative judge described by Subsection (a) may make a determination on the request with or without a hearing. If the judge determines that a hearing is necessary, the judge may require that the vexatious litigant filing a request under Subsection (b) provide notice of the hearing to all defendants named in the proposed litigation.

(d) The appropriate local administrative judge described by Subsection (a) may grant permission to a vexatious litigant subject to a prefiling order under Section 11.101 to file a litigation only if it appears to the judge that the litigation:

(1) has merit; and

(2) has not been filed for the purposes of harassment or delay.

(e) The appropriate local administrative judge described by Subsection (a) may condition permission on the furnishing of security for the benefit of the defendant as provided in Subchapter B.

(f) A decision of the appropriate local administrative judge described by Subsection (a) denying a litigant permission to file a litigation under Subsection (d), or conditioning permission to file a litigation on the furnishing of security under Subsection (e), is not grounds for appeal, except that the litigant may apply for a writ of mandamus with the court of appeals not later than the 30th day after the date of the decision. The denial of a writ of mandamus by the court of appeals is not grounds for appeal to the supreme court or court of criminal appeals.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 9.03, eff.

January 1, 2012.



Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 5, eff. September 1, 2013.

Sec. 11.103. DUTIES OF CLERK. (a) Except as provided by Subsection (d), a clerk of a court may not file a litigation, original proceeding, appeal, or other claim presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101 unless the litigant obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing.

(b) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1224, Sec. 10, eff. September 1, 2013.

(c) If the appropriate local administrative judge described by Section 11.102(a) issues an order permitting the filing of the litigation, the litigation remains stayed and the defendant need not plead until the 10th day after the date the defendant is served with a copy of the order.

(d) A clerk of a court of appeals may file an appeal from a prefiling order entered under Section 11.101 designating a person a vexatious litigant or a timely filed writ of mandamus under Section 11.102.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 9.04, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 6, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 7, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 10, eff. September 1, 2013.

Sec. 11.1035. MISTAKEN FILING. (a) If the clerk mistakenly files litigation presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101 without an order from the appropriate local administrative judge described by Section 11.102(a), any party may file with the clerk and serve on the plaintiff and the other parties to the litigation a notice stating that the plaintiff is a vexatious litigant required to obtain permission under Section 11.102 to file litigation.

(b) Not later than the next business day after the date the clerk receives notice that a vexatious litigant subject to a prefiling order under Section 11.101 has filed, pro se, litigation without obtaining an

order from the appropriate local administrative judge described by Section 11.102(a), the clerk shall notify the court that the litigation was mistakenly filed. On receiving notice from the clerk, the court shall immediately stay the litigation and shall dismiss the litigation unless the plaintiff, not later than the 10th day after the date the notice is filed, obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing of the litigation.

(c) An order dismissing litigation that was mistakenly filed by a clerk may not be appealed.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 8, eff. September 1, 2013.

Sec. 11.104. NOTICE TO OFFICE OF COURT ADMINISTRATION; DISSEMINATION OF LIST. (a) A clerk of a court shall provide the Office of Court Administration of the Texas Judicial System a copy of any prefiling order issued under Section 11.101 not later than the 30th day after the date the prefiling order is signed.

(b) The Office of Court Administration of the Texas Judicial System shall post on the agency's Internet website a list of vexatious litigants subject to prefiling orders under Section 11.101. On request of a person designated a vexatious litigant, the list shall indicate whether the person designated a vexatious litigant has filed an appeal of that designation.

(c) The Office of Court Administration of the Texas Judicial System may not remove the name of a vexatious litigant subject to a prefiling order under Section 11.101 from the agency's Internet website unless the office receives a written order from the court that entered the prefiling order or from an appellate court. An order of removal affects only a prefiling order entered under Section 11.101 by the same court. A court of appeals decision reversing a prefiling order entered under Section 11.101 affects only the validity of an order entered by the reversed court.

Added by Acts 1997, 75th Leg., ch. 806, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 9.05, eff. January 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 1224 (S.B. 1630), Sec. 9, eff. September 1, 2013.

Exhibit F

CERTIFICATE OF SERVICE & CERTIFICATE OF CONFERENCE

A true and correct copy of Appellant's Supplement To Notice Of Appeal & Docket Statements As Needed To Supplement Issues was served by Mail through the United States Post Office on or about July 1, 2018 from June 25, 2018 corrections & additions to the following:

Court of Appeal Fifth District at Dallas Certified # 7018 0680 0001 0121 0689
George Allen Bldg. # 200
600 Commerce Street
Dallas, TX. 75202-4658

Cobb, Martinez, Woodward, PLLC
Attorney Carrie Johnson Phaneuf
1700 Pacific Avenue, Suite 3100
Dallas, TX. 75201

Certified # 7018 0680 0001 ~~0121 0139~~

0120 1045

[Signature]

CERTIFICATE OF CONFERENCE

No conference needed for filing Notice of Appeal & Docket statements as already aware of Appellant / Plaintiff's prior filing. Also Plaintiff had attempted to conference with Cobb, Martinez, Woodland & Attorney Phaneuf in the past as forced to leave a message as no one was available, used the message to stalk Plaintiff's location & misrepresent facts to Judge Bender & Court to prevent canceling a hearing, while Plaintiff was hospitalized knowingly & having MRI & CT scan in the emergency room of the hospital.

This document was prepared at night & mailed the next morning within one day as received, so no possible conference with anyone. Appellees Attorney plans to file a response to prior June 25, 2018, while drugged with simple error reference as filed Realtor, which is moot on their complaints as re-filed as Appellant.

Respectfully submitted,

Darlene C. Balistreri-Amrhein

Darlene C. Balistreri-Amrhein, Appellant, Pro Se

7/1/18